

Exhibit 1

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INNOVATION VENTURES, LLC and LIVING
ESSENTIALS, LLC, :
Plaintiffs, : 12 Civ. 5354 (KAM)(RLM)
-against- :
**JOINDER TO QUALITY KING
DISTRIBUTORS, INC'S AMENDED
NOTICE OF DEPOSITION TO
PLAINTIFFS PURSUANT TO RULE
30(b)(6)**
ULTIMATE ONE DISTRIBUTING CORP., ET
AL. :
Defendants. : Date: November 1, 2013
Time: 9:30 AM

X

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Universal Wholesale, Inc. and Joseph Sevany join Quality King Distributors, Inc.'s Amended Notice of Deposition upon oral examination of plaintiffs Innovation Ventures, LLC; Living Essentials, LLC; and International IP Holdings, LLC (collectively "Plaintiffs") Pursuant to Rule 30(b)(6) dated September 26, 2013. The deposition will be taken before a duly qualified court reporter, beginning on November 1, 2013 at 9:30 AM, at Bienenstock Reporting, 30800 Telegraph Road, Suite 2925, Bingham Farms, Michigan 48025, or such other location as may be mutually convenient. The deposition will continue from day to day until completed, will be recorded by stenographic means, and may be videotaped. You are invited to attend.

Plaintiffs shall designate in writing and produce the officer(s), director(s), managing agent(s) and/or other persons who will testify on its behalf with respect to each of the topics set forth in **Schedule A** attached to Quality King Distributors, Inc.'s Amended Notice of Deposition as well as each of the topics set forth in **Schedule A** attached hereto.

Dated: October 14, 2013
Bloomfield Hills, Michigan

By:



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SCHEDULE A

INSTRUCTIONS AND DEFINITIONS

1. The definitions and rules of construction set forth in Local Rule 26.3 of the Eastern District of New York are incorporated herein by reference.
2. “Complaint” refers to the Seventh Amended Complaint, filed on or about December 28, 2012.
3. “Plaintiffs,” “You” or “Your” shall include Innovation Ventures, LLC; Living Essentials, LLC; and International IP Holdings, LLC and all of their subsidiaries, affiliates, attorneys, accountants, agents, officers, directors, employees, servants, and any person or entity acting on their behalf.
4. The term “5 Hour Energy®” means the Plaintiffs’ 5 Hour Energy® products (i.e., its liquid, bottles, caps, labels and packaging).
5. The term “Subject 5 Hour Energy®” means the allegedly counterfeit and/or non-genuine 5 Hour Energy® products that any of the defendants are alleged in the Complaint to have bought or sold.
6. The term “Universal customers” means those entities that Universal Wholesale, Inc. (“Universal”) is alleged to have sold the Subject 5 Hour Energy® products.
7. The term “Universal Wholesale, Inc.” (“Universal”) shall include any and all persons you allege to be employees, agents or representatives of Universal with regard to any matter at issue in the Complaint.
8. Unless otherwise indicated, all topics shall concern the time period of November 1, 2010 to the present.

TOPICS FOR RULE 30(b)(6) DEPOSITION

1. All of those topics listed in **Schedule A** attached to Quality King Distributors, Inc.'s Amended Notice of Deposition.
2. Investigations or surveillance of Joseph Sevany ("Sevany") and Universal regarding 5 Hour Energy®.
3. The purchase and sale of 5 Hour Energy® or the Subject 5 Hour Energy® by Universal and Universal Customers.
4. Any profits Plaintiffs claim Sevany or Universal generated by selling Subject 5 Hour Energy®.
5. Any communication of risks or dangers associated with the Subject 5 Hour Energy® to Sevany, Universal or Universal Customers.
6. The basis for the allegations in the Complaint that Universal or Sevany engaged in willful trademark and trade dress infringement.
7. The basis for the allegations in the Complaint that Universal or Sevany engaged in willful copyright infringement.
8. The persons employed by, who are agents for, or are otherwise associated with Plaintiffs that are most knowledgeable as to the claims of willful trademark, trade dress or copyright infringement by Universal or Sevany as alleged in the Complaint.
9. Any information or evidence that any alleged trademark, trade dress or copyright infringement by Universal or Sevany as alleged in the Complaint was not willful.

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ESSENTIALS, LLC, :
Plaintiffs, : 12 Civ. 5354 (KAM)
-against- :
ULTIMATE ONE DISTRIBUTING CORP., ET :
AL. :
Defendants. :
X

CERTIFICATE OF SERVICE

I, CHIARA MATTIESON, do hereby certify that the foregoing **JOINDER TO QUALITY KING DISTRIBUTORS, INC'S AMENDED NOTICE OF DEPOSITION TO PLAINTIFFS PURSUANT TO RULE 30(b)(6) DATED OCTOBER 14, 2013 AND SCHEDULE A THERETO** was this day served by Electronic Transmission (email) address as indicated below:

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Dated: October 14, 2013

Bloomfield Hills, MI

/s/ Chiara Mattieson
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